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| 10/530,306 | 04/04/2005 | Eric Jos Bert Koerber | NL 021005 | 9933 |
| 24737 | 7590 | 06/06/2007 | | |
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| | | | ART UNIT | PAPER NUMBER |
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| | | | 06/06/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,306

Applicant(s)

KOERBER, ERIC JOS BERT

Examiner

Ted T. Vo

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/4/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/18/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 04/04/2005.

Claims 1-10 are pending in the application.

Specification

2. The abstract of the disclosure is objected. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by MacInnis, US PAT No. 5,951,639.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: MacInnis discloses,

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A method of providing executable software from a software server to a plurality of broadcast receivers via a broadcast communication system (See Abstract and refer to "terminal": broadcast receivers); the method including:

maintaining in each broadcast receiver a configuration information identifying executable software components installed in the broadcast receiver (See FIGs 3A-B, configuration information);

broadcasting from the software server to the broadcast receivers:

a software package description indicating software components that must have been installed in a broadcast receiver before accepting a software package associated with the software package description (See FIG. 4, 402: Module Descriptor table from network); and the associated software package including at least one executable software component (i.e. software module with "BEST" Version);

in each broadcast receiver:

determining whether the software package can be installed by comparing the software package description with the receiver's configuration information (See FIG. 4: 404; FIG. 5: 504); and upon a positive determination (i.e. YES/NO): installing the software package and updating the receiver's configuration information accordingly (e.g. FIG. 5, case for downloading application/data: with a "YES" in 504: Download new version).

As per Claim 2: MacInnis discloses,

A method as claimed in claim 1, wherein the configuration information includes for each installed software component a respective unique component identification, and the software package description includes the unique component identification of each software component that must have been installed in a broadcast receiver before accepting the software package; and wherein the step of comparing the package description with the receiver's configuration information includes checking whether all component identification(s) in the software package description are part of the configuration information (See FIGs 3A-B and FIG.5 and associated texts).

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As per Claim 3: MacInnis discloses, **A method as claimed in claim 2, wherein the software package includes at least one update of a software component; the software package description including the unique component identification of the software component** (refer to versioning detected by step 404 or 504 in FIG. 4 or FIG. 5).

As per Claim 4: MacInnis discloses, **A method as claimed in claim 2, wherein the software package includes a software component that requires a differing further software component to have been installed in the broadcast receiver; the software package description including the unique component identification of the further software component** (Refer to "NEWER VERSION" or "BETTER" seen in the Figures).

As per Claim 5: MacInnis discloses, **A method as claimed in claim 2, wherein the configuration information includes for each installed software component a respective component version identification associated with the unique component identification; and wherein the software package description includes for each software component that must have been installed in a broadcast receiver before accepting the software package an associated component version identification; and wherein the step of comparing the package description with the receiver's configuration information includes checking for whether component identification(s) and associated component version identification(s) in the package description are also part of the configuration information** (See FIGs 3A-B and FIG.5 and associated texts).

As per Claim 6: MacInnis discloses, **A method as claimed in claim 5, wherein the component version identification in the software package description includes at least one of the following: an identification of one version; an identification of a minimum or maximum version, where versions are sequentially arranged; an indication of a sequential range of versions** (See FIG.5 and associated texts).

As per Claim 7: MacInnis discloses, **A method as claimed in claim 1, wherein the software package description includes a plurality of acceptable software configurations where each software configuration indicates software components that must have been installed in a broadcast receiver before accepting the software package; and wherein the step of determining whether at**

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least one software component of the software package can be installed includes verifying if at least one of the acceptable software configurations corresponds to the receiver's configuration information (See FIGs 3A-B and FIG.5 and associated texts).

As per Claim 8: MacInnis discloses, ***A method as claimed in claim 1, including broadcasting a complete software image of a broadcast receiver from the software server to the broadcast receivers*** (See FIGs 3A-B and FIG. 4 and associated texts)..

As per Claim 9: MacInnis discloses, ***A method as claimed in claim 1, including the step of the broadcast receiver, in response to determining that at least one required software component is not installed, downloading the not installed software component(s) from the server; installing the downloaded software component(s) and updating the receiver's configuration information accordingly*** (See FIGs 3A-B and FIG. 4, FIG.5 and associated texts).

As per Claim 10: MacInnis discloses, ***A broadcast receiver including:***
a communication interface for receiving data from a broadcast communication system; a storage for storing software components executable by a processor and for storing configuration information identifying the executable software components; a processor for executing the stored software components;

(i.e. a terminal seen col. 3, for description of FIG. 1)

at least one of the software component being operative to cause the processor to: receive through the communication interface (i.e. the interface of terminals that used to download modules from a transmitting source as seen in FIG. 2):

a software package description indicating software components that must have been installed in the broadcast receiver before accepting a software package associated with the software package description; and the associated software package including at least one executable software component; determine whether the software package can be installed by comparing the software package description with the configuration information stored in the storage of the receiver; and upon a positive determination: store the at least one software component of the software package in the storage and update

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the receiver's configuration information accordingly (See rationale as used in the rejection of Claim 1 above).

Conclusion

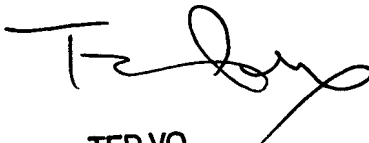
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
May 25, 2007


TED VO
PRIMARY EXAMINER